

JOSEPH QUINTIN DONNELLY

v

THE QUEEN

Court: Blanchard, Tipping and McGrath JJ

Counsel: C W J Stevenson for Applicant
J C Pike for Crown

Judgment: 29 March 2012

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] The applicant was convicted of two charges of sexual violation by rape. His appeal to the Court of Appeal was, so far as is relevant to the present application, focused on the admissibility of certain evidence which was said to be both new and cogent. The Court of Appeal carefully reviewed this evidence against the evidence heard by the jury. It was of the view that the so-called new evidence was not fresh and, most importantly, was not evidence which might reasonably have altered the verdicts.¹

¹ *Donnelly v R* [2011] NZSC 660 at [42].

[2] The proposed appeal to this Court raises no question of general principle and we are not persuaded that the Court of Appeal may have erred in its assessment. There is nothing which gives rise to any concern that there may have been a substantial miscarriage of justice.

Solicitors:
Crown Law Office, Wellington